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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

THE ESTATE OF SINUON
SAMANTHA PREAM, by and
through its successor in interest and
heirs at law; B.P.D., a minor and as
a Successor in Interest to Sinuon
Samantha Pream by and through his
Guardian Ad Litem Yoeun Ven;
J.T.V.N., a minor and as a
Successor in Interest to Sinuon
Samantha Pream by and through his
Guardian Ad Litem Yoeun Ven;
JOCELYN CHANTA LY, an
Individual and as a Successor in
Interest to Sinuon Samantha Pream;
JOANNA MARIAH LY, an
Individual and as a Successor in
Interest to Sinuon Samantha Pream;
YOEUN VEN, an individual; SAN
PREAM, an individual,

Plaintiffs,

vs.

THE CITY OF LONG BEACH;
and DOES 1-10, Inclusive,

Defendants.

CASE NO.: 17-cv-04295

**COMPLAINT FOR DAMAGES
VIOLATION OF FEDERAL CIVIL
RIGHTS (42 U.S.C. § 1983) AND
SUPPLEMENTAL STATE CLAIMS
FOR**

- 1. Excessive Force and Denial of
Medical Care - 42 U.S.C. §
1983**
- 2. Substantive Due Process - 42
U.S.C. § 1983**
- 3. Interference with Familial
Relationship and Freedom of
Association - 42 U.S.C. § 1983**
- 4. Municipal Liability for
Unconstitutional Custom or
Policy - 42 U.S.C. § 1983**
- 5. Battery - Cal. Govt. Code § 820
– Wrongful Death**
- 6. Negligence – Cal. Govt. Code §
820 – Wrongful Death**

JURY TRIAL DEMANDED

COMES NOW THE ESTATE OF SINUON SAMANTHA PREAM; B.P.M.,
a minor and as a Successor in Interest to Sinuon Samantha Pream by and through

1 his Guardian Ad Litem Yoeun Ven; J.T.V.N., a minor and as a Successor in
2 Interest to Sinuon Samantha Pream by and through his Guardian Ad Litem Yoeun
3 Ven; JOCELYN CHANTA LY, an Individual and as a Successor in Interest to
4 Sinuon Samantha Pream; JOANNA MARIAH LY, an Individual and as a
5 Successor in Interest to Sinuon Samantha Pream; YOEUN VEN, an individual;
6 SAN PREAM, an individual, allege as follows:

7 **INTRODUCTION**

8
9 1. This civil rights action seeks compensatory and punitive damages
10 from Defendants for violating various rights under the United States Constitution
11 and state law in connection with the fatal shooting of the Decedent SINUON
12 SAMANTHA PREAM.

13 **PARTIES**

14 2. At all relevant times herein, THE ESTATE OF SINUON
15 SAMANTHA PREAM (hereinafter referred to as “DECEDENT”) was an
16 individual residing in the City of Long Beach, County of Los Angeles, California.

17 3. At all relevant times herein, Plaintiff B.P.D. is a minor residing in the
18 City of Long Beach, County of Los Angeles, California and is the biological son of
19 DECEDENT. B.P.D. sues in his individual capacity and as a Successor in Interest
20 to SINUON SAMANTHA PREAM by and through his Guardian Ad Litem,
21 YOEUN VEN pursuant to Section 377.30 of the California Code of Civil
22 Procedure.

23 4. At all relevant times herein, Plaintiff J.T.V.N. is a minor residing in
24 the City of Long Beach, County of Los Angeles, California and is the biological
25 son of DECEDENT. J.T.V.N. sues in his individual capacity and as a Successor in
26 Interest to SINUON SAMANTHA PREAM by and through his Guardian Ad
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1 Litem, YOEUN VEN pursuant to Section 377.30 of the California Code of Civil
2 Procedure.

3 5. At all relevant times herein, Plaintiff JOCELYN CHANTA LY was
4 an individual residing in the City of Long Beach, County of Los Angeles,
5 California and is the surviving biological daughter of DECEDENT. JOCELYN
6 CHANTA LY sues in her individual capacity as the surviving biological daughter
7 of DECEDENT and as a Successor in Interest to SINUON SAMANTHA PREAM
8 pursuant to Section 377.30 of the California Code of Civil Procedure.

9 6. At all relevant times herein, Plaintiff JOANNA MARIAH LY was an
10 individual residing in the City of Long Beach, County of Los Angeles, California
11 and is the surviving biological daughter of DECEDENT. JOANNA MARIAH LY
12 sues in her individual capacity as the surviving biological daughter of DECEDENT
13 and as a Successor in Interest to SINUON SAMANTHA PREAM pursuant to
14 Section 377.30 of the California Code of Civil Procedure.

15 7. At all relevant times herein, Plaintiff SAN PREAM was an individual
16 residing in the City of Long Beach, County of Los Angeles, California and is the
17 natural father of DECEDENT. SAN PREAM sues in his individual capacity,
18 pursuant to Section 377.30 of the California Code of Civil Procedure
19

20 8. At all relevant times herein, Plaintiff YOEUN VEN was an individual
21 residing in the City of Long Beach, County of Los Angeles, California and is the
22 natural mother of DECEDENT. YOEUN VEN sues in her individual capacity.

23 9. At all relevant times herein, Defendant CITY OF LONG BEACH
24 (hereinafter "City") are incorporated public entities duly authorized and existing as
25 such in and under the laws of the State of California; and at all times herein
26 mentioned, Defendant CITY has possessed the power and authority to adopt
27 policies and prescribe rules, regulations and practices affecting the operation of the
28 Police Department and its tactics, methods, practices, customs and usage. At all

1 relevant times, CITY was the employer Defendants DOES 1-10 who were CITY
2 police officers, managerial, supervisory, and policymaking employees of CITY
3 Police Department. On information and belief, at all relevant times, Defendant
4 DOES 1-1 were residents of the County of Los Angeles, California and the City of
5 Long Beach, California. Defendant DOES 1-10 are sued in their individual and
6 official capacity.

7 10. At all relevant times, Defendants DOES 1-10 were duly authorized
8 employees and agents of CITY, who were acting under color of law within the
9 course and scope of their respective duties as police officers and within the
10 complete authority and ratification of their principal, Defendant CITY.

11 11. At all relevant times, Defendants DOES 1-10 were duly appointed
12 deputies/officers and/or employees or agents of CITY, subject to oversight and
13 supervision by CITY's elected and non-elected officials.

14 12. In doing the acts and failing and omitting to act as hereinafter
15 described, Defendants DOES 1-10 were acting on the implied and actual
16 permission and consent of CITY.

17 13. At all times mentioned herein, each and every CITY defendant was
18 the agent of each and every other CITY defendant and had the legal duty to
19 oversee and supervise the hiring, conduct and employment of each and every CITY
20 defendant.

21 14. At all relevant times, Defendants DOES 1-10 were working for
22 Defendants CITY as police officers.

23 15. Plaintiffs are unaware of the true names and capacities of those
24 Defendants named herein as DOES 1-10 Defendants. Plaintiffs will amend this
25 Complaint to allege said Defendants' true names and capacities when that
26 information becomes known to Plaintiffs. Plaintiffs are informed and believes, and
27 thereon alleges that these DOES 1-10 are legally responsible and liable for the
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1 incident, injuries, and damages hereinafter set forth, and that each of said
2 Defendants proximately caused the injuries and damages by reason of negligent,
3 careless, deliberately indifferent, intentional, willful, or wanton misconduct,
4 including the negligent, careless, deliberately indifferent, intentional, willful, or
5 wanted misconduct in creating and otherwise causing the incidents, conditions, and
6 circumstances hereinafter set forth, or by reason of direct or imputed negligence or
7 vicarious fault or breach of duty arising out of the matters herein alleged. Plaintiffs
8 will seek to amend this Complaint to set forth said true names and identities of the
9 unknown named DOE Defendants when they are ascertained.

10 16. On February 6, 2017, Plaintiffs filed comprehensive and timely claims
11 for damages with CITY pursuant to applicable sections in the California
12 Government Code and California Civil Code.

13 JURISDICTION

14 17. This civil action is brought for the redress of alleged deprivations of
15 constitutional rights as protected by 42 U.S.C. §§ 1983, 1985, 1986, and 1988, and
16 the First, Fourth and Fourteenth Amendments of the United States Constitutions.
17 Jurisdiction is founded on 28 U.S.C. §§ 1331, 1343, and 1367.

18 18. Venue is proper in this Court under 28 U.S.C. § 1391(b) and (c),
19 because Defendants reside in, and all incidents, events, and occurrences giving rise
20 to this action occurred in, the County of Los Angeles, California.

21 VENUE

22 19. Venue is proper in the Central District Court of California in that all
23 injuries complained of herein were caused and suffered in Los Angeles County,
24 California, which is within the Central District as more fully set forth herein.
25 Defendants are properly before this Court because “a substantial part of the events
26 upon which this action is based occurred in this district.” 28 U.S.C. § 1891(a)(2)
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1 and § 1343. The shooting complained of herein occurred in the City of Sylmar,
2 California, which is in Los Angeles County

3 **FACTS COMMON TO ALL CAUSES OF ACTION**

4 20. Plaintiffs repeat and reallege each and every allegation in paragraphs
5 1 through 19 of this Complaint with the same force and effect as if fully set forth
6 herein.

7 21. On or about January 15, 2017, at or around 11:15 a.m., DECEDENT
8 was shot dead by DOES 1-10 near Seventh Street and Bellflower Blvd in the City
9 of Long Beach. Defendants DOES 1-10 fired numerous rounds at DECEDENT
10 who had acquiesced to all the demands of Defendants DOES 1-10 and posed no
11 threat to any of the officers as she stood 5 foot 2 inches and weight no more than
12 100 pounds. After shooting DECEDENT, Defendants DOES 1-10 ignored
13 DECEDENT'S urgent medical needs and left her lying on the ground for an
14 appreciable amount of time without providing medical aid. As a result,
15 DECEDENT expired.
16

17 22. On information and belief, DECEDENT posed no threat to
18 Defendants DOES 1-10 when they repeatedly shot her. On information and belief,
19 Defendants DOES 1-10 knew DECEDENT posed no threat to their lives or bodily
20 harm when they repeatedly shot her. On information and belief, Defendants DOES
21 1-10 failed to provide advance warnings to DECEDENT prior to shooting her. On
22 information and belief, Defendants DOES 1-10 failed to request medical aid for
23 Decedent as she lay dying on the ground as a result of multiple bullet wounds.

24 23. Plaintiffs are informed, and believe, the DECEDENT suffered great
25 physical pain and anguish after she was shot by Defendants DOES 1-10.

26 24. On information and belief Defendants DOES 1-10, while acting in the
27 course and scope of their employment with CITY, negligently assessed the
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1 circumstances presented to them and used deadly force against DECEDENT when
2 DECEDENT posed no reasonable threat to Defendants DOES 1-10.

3 25. At no time during the course of these events did DECEDENT pose
4 any reasonable threat of violence to the defendant deputies, nor did she do
5 anything to justify the use of deadly, excessive, unreasonable and unnecessary
6 force against her, by the defendant officers.

7 26. Both prior to and during the time in which DECEDENT was shot by
8 defendants, DECEDENT made no aggressive movements, no furtive gestures, and
9 no physical movements which would suggest to a reasonable officer that the
10 DECEDENT was armed with any kind of weapon, or had the will, or the ability to
11 inflict substantial bodily harm against any individual, deputy or officer.

12 27. SAN PREAM was dependent on the DECEDENT.

13 28. YOEUN VEN was dependent on the DECEDENT.

14 **FIRST CAUSE OF ACTION**

15 **Excessive Force and Denial of Medical Care 42 U.S.C. § 1983**

16 **(Plaintiffs B.P.D., J.T.V.N., JOCELYN CHANTA LY and JOANNA**

17 **MARIAH LY against Defendants DOES 1-10, Inclusive)**

18 29. Plaintiffs repeat and reallege each and every allegation in paragraphs
19 1 through 28 of this Complaint with the same force and effect as if fully set forth
20 herein.

21 30. Defendants DOES 1-10 unjustified shooting deprived DECEDENT of
22 her right to be secure in her person against unreasonable searches and seizures as
23 guaranteed to DECEDENT under the Fourth Amendment of the United States
24 Constitution and applied to state actors by the Fourteenth Amendment.

25 31. The unreasonable use of force by Defendants DOES 1-10 deprived the
26 DECEDENT of her right to be secure in her person against unreasonable searches
27 and seizures as guaranteed to DECEDENT under the Fourth Amendment of the
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1 United States Constitution and applied to state actors by the Fourteenth
2 Amendment.

3 32. As a result, DECEDENT suffered a loss of life. Plaintiffs have also
4 been deprived of their life-long love, companionship, comfort, support, society,
5 care, and sustenance of DECEDENT, and will continue to be so deprived for the
6 remainder of their natural lives. Plaintiffs are also claiming funeral and burial
7 expenses, loss of gifts and benefits and loss of financial support.

8 33. As a result of the conduct of Defendants DOES 1-10, they are liable
9 for DECEDENT's injuries, either because they were integral participants in the
10 excessive force, or because they failed to intervene to prevent these violations.

11 34. Defendants DOES 1-10 knew that failure to provide timely medical
12 treatment to DECEDENT could result in further significant injury or the
13 unnecessary and wanton infliction of pain, but disregarded that serious medical
14 need, causing her great bodily harm and death.

15 35. This use of deadly force was excessive and unreasonable under the
16 circumstances. Defendants DOES 1-10's actions thus deprived DECEDENT of
17 her right to be free from unreasonable searches and seizures under the Fourth
18 Amendment and applied to state actors by the Fourteenth Amendment.

19 36. The conduct of Defendants DOES 1-10 was willful, wanton,
20 malicious, and done with reckless disregard for the rights and safety of
21 DECEDENT and therefore warrants the imposition of exemplary and punitive
22 damages as to Defendant DOES.

23 37. Plaintiffs seek damages as successors-in-interest to DECEDENT and
24 representative of the DECEDENT's estate in the amount according to proof.

25 38. Plaintiffs also seek attorney fees under this claim pursuant to 42
26 U.S.C. § 1988.
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SECOND CAUSE OF ACTION

Substantive Due Process - 42 U.S.C. § 1983

(Plaintiffs B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA MARIAH LY, YOEUN VEN and SAN PREAM against Defendants DOES 1-10, Inclusive)

39. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 38 of this Complaint with the same force and effect as if fully set forth herein.

40. B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA MARIAH LY, YOEUN VEN and SAN PREAM had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive them from life, liberty, or property in such a manner as to shock the conscious, including but not limited to, unwarranted state interference in B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA MARIAH LY, YOEUN VEN and SAN PREAM familial relationship with DECEDENT.

41. DECEDENT had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive them from life, liberty, or property in such a manner as to shock the conscious.

42. As a result of the unjustified shooting which was committed after DECEDENT acquiesced to the demands of Defendants DOES 1-10, and when DOES 1-10 knew DECEDENT posed no harm to them or others DECEDENT died. Plaintiffs were thereby deprived of their constitutional right of familial relationship with DECEDENT.

43. Defendants DOES 1-10, acting under the color of state law, thus violated the Fourteenth Amendment of B.P.D., J.T.V.N., JOCELYN CHANTA LY

1 JOANNA MARIAH LY, YOEUN VEN and SAN PREAM to be free from
2 unwarranted interference with their familial relationship with DECEDENT.

3 44. The aforementioned actions of Defendants DOES 1-10, along with
4 other undiscovered conduct, shook the conscious, in that they acted with deliberate
5 indifference to the constitutional rights of DECEDENT and Plaintiffs, and with
6 purpose to harm unrelated to any legitimate law enforcement objective.

7 45. As a direct and proximate cause of the acts of the Defendants DOES
8 1-10, DECEDENT suffered a loss of life. B.P.D., J.T.V.N., JOCELYN CHANTA
9 LY JOANNA MARIAH LY, YOEUN VEN and SAN PREAM have also been
10 deprived of their life-long love, companionship, comfort, support, society, care and
11 sustenance of DECEDENT, and will continue to be so deprived for the remainder
12 of their natural lives. B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA
13 MARIAH LY, YOEUN VEN and SAN PREAM are also claiming funeral and
14 burial expenses, loss of gifts and benefits and a loss of financial support.

15 46. The conduct of Defendants DOES 1-10 was willful, wanton,
16 malicious, and done with reckless disregard for the rights and safety of
17 DECEDENT and therefore warrants the imposition of exemplary and punitive
18 damages as to Defendants DOES 1-10.

19 47. Plaintiffs also seek attorney fees under this claim pursuant to 42
20 U.S.C. § 1988.
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THIRD CAUSE OF ACTION

Interference with Familial Relationship and Freedom of Association - 42

U.S.C. § 1983

(Plaintiffs B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA MARIAH LY, YOEUN VEN and SAN PREAM against Defendants DOES 1-10, Inclusive)

48. Plaintiffs repeat and reallege each and every allegation in paragraphs 1 through 47 of this Complaint with the same force and effect as if fully set forth herein.

49. Plaintiffs B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA MARIAH LY, YOEUN VEN and SAN PREAM had a cognizable interest under the Due Process Clause of the Fourteenth Amendment of the United States Constitution to be free from state actions that deprive them of life, liberty, or property in such a manner as to shock the conscience, including but not limited to, unwarranted state interference in their familial relationship with their father, DECEDENT.

50. As a result of the excessive force by Defendants DOES 1-10 and the failure of Defendants DOES 1-10 to intervene, DECEDENT died. Plaintiffs B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA MARIAH LY, YOEUN VEN and SAN PREAM were thereby deprived of their constitutional right and familial relationship with DECEDENT.

51. Defendants DOES 1-10, acting under color of state law, thus violated the Fourteenth and Amendment rights of B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA MARIAH LY, YOEUN VEN and SAN PREAM to be free from unwarranted interference with their familial relationship with DECEDENT, and

1 the First Amendment rights to be free from unwarranted interference with the
2 constitutional right to freedom of association with DECEDENT.

3 52. The aforementioned actions of Defendants DOES 1-10, along with
4 other undiscovered conduct, shock the conscience, in that they acted with
5 deliberate indifference to the constitutional rights of DECEDENT and Plaintiffs
6 B.P.D., J.T.V.N., JOCELYN CHANTA LY JOANNA MARIAH LY, YOEUN
7 VEN and SAN PREAM and with purpose to harm unrelated to any legitimate law
8 enforcement objective.

9 53. As a direct and proximate cause of the acts of Defendants DOES 1-10,
10 Plaintiffs have also been deprived of the life-long comfort, support, society, care
11 and sustenance of DECEDENT, and will continue to be so deprived for the
12 remainder of their natural lives. Plaintiffs are also claiming funeral and burial
13 expenses, loss of gifts and benefits and a loss of financial support.

14 54. The conduct of Defendants DOES 1-10 was malicious, oppressive and
15 in reckless disregard for the rights and safety of DECEDENT and Plaintiffs, and
16 therefore warrants the imposition of exemplary and punitive damages as to
17 Defendants DOES 1-10.

18 55. Decedent's successors-in-interest seek wrongful death damages under
19 this claim.

21 **FOURTH CAUSE OF ACTION**

22 **Municipal Liability for Unconstitutional Custom or Policy - 42 U.S.C. § 1983**

23 **(Plaintiffs B.P.D., J.T.V.N., JOCELYN CHANTA LY and JOANNA**
24 **MARIAH LY against Defendant CITY)**

25 56. Plaintiffs repeat and reallege each and every allegation in paragraphs
26 1 through 55 of this Complaint with the same force and effect as if fully set forth
27 herein.

1 57. On information and belief Defendants DOES 1-10 shooting of
2 Decedent, who had acquiesced to any and all orders of Defendants DOES 1-10,
3 and who posed no reasonable threat of bodily harm Defendants DOES 1-10 was
4 ratified by CITY's police department supervisorial officers.

5 58. On information and belief, DOES 1-10 were not disciplined for
6 shooting DECEDENT to death, who did not pose a risk to Defendants DOES 1-10.

7 59. Defendants DOES 1-10 deprived Plaintiffs and DECEDENT of the
8 rights and liberties secured to them by the Fourteenth Amendment to the United
9 States Constitution, in that said defendants and their supervising and managerial
10 employees, agents, and representatives, acting with gross negligence and with
11 reckless and deliberate indifference to the rights and liberties of the public in
12 general, and of Plaintiffs and DECEDENT, and of persons in their class, situation
13 and comparable position in particular, knowingly maintained, enforced and applied
14 an official recognized custom, policy, and practice of:

15 **a.** Employing and retaining as sheriff's deputies and police
16 officers and other personnel, including Defendants DOES 1-10,
17 at all times material herein knew or reasonably should have
18 known had dangerous propensities for abusing their authority
19 and for mistreating citizens by failing to follow written CITY
20 Police Department policies, including the use of excessive and
21 deadly force;
22

23 **b.** Of inadequately supervising, training, controlling, assigning,
24 and disciplining CITY Police officers, and other personnel,
25 including Defendants DOES 1-10 who CITY knew or in the
26 exercise of reasonable care should have known had the
27 aforementioned propensities and character traits, including the
28 propensity for violence and the use of excessive force;

- c.** By maintaining grossly inadequate procedures for reporting, supervising, investigating, reviewing, disciplining and controlling the intentional misconduct by Defendants DOES 1-10, who are Police Officers of CITY;
- d.** By failing to discipline CITY Police Officers' conduct, including but not limited to, unlawful detention and excessive and deadly force;
- e.** By ratifying the intentional misconduct of Defendants DOES 1-10 and other officers, who are Police Officers of CITY;
- f.** By having and maintaining an unconstitutional policy, custom and practice of detaining and arresting individuals without probable cause or reasonable suspicion, and using excessive force, including deadly force, which also is demonstrated by inadequate training regarding these subjects. The policies, customs and practices of Defendants DOES 1-10, were done with a deliberate indifference to individuals' safety and rights;
- g.** By failing to properly investigate claims of unlawful detention and excessive force by CITY Police Officers;
- h.** Policy and practice of preemptively shooting at suspects, even when the suspects lack guns or projectiles, without examining whether the suspect was able to inflict injury on them;
- i.** Policy and practice of instigating situations against any and all suspects, or suspected suspects, without evaluating, or taking into account, mental conditions or disabilities; and
- j.** Failing to train its officers regarding deescalating situations involving those with mental illness or other medical conditions.

1 60. By reason of the aforementioned policies and practices of Defendants
2 DOES 1-10, DECEDENT was severely injured and lost her life.

3 61. Defendants DOES 1-10, together with various other officials, whether
4 named or unnamed, had either actual or constructive knowledge of the deficient
5 policies, practices and customs alleged in the paragraphs above. Despite having
6 knowledge as stated above these defendants condoned, tolerated and through
7 actions and inactions thereby ratified such policies. Said defendants also acted
8 with deliberate indifference to the foreseeable effects and consequences of these
9 policies with respect to the constitutional rights of DECEDENT, Plaintiffs, and
10 other individuals similarly situated.

11 62. By perpetrating, sanctioning, tolerating and ratifying the outrageous
12 conduct and other wrongful acts, Defendants DOES 1-10, acted with an
13 intentional, reckless, and callous disregard for the life of DECEDENT, and
14 DECEDENT's and Plaintiffs' constitutional rights. Defendant DOES 1-10, each
15 of their actions were willful, wanton, oppressive, malicious, fraudulent, and
16 extremely offensive and unconscionable to any person of normal sensibilities.
17

18 63. Furthermore, the policies practices, and customs implemented and
19 maintained and still tolerated by Defendants DOES 1-10, were affirmatively linked
20 to and were significantly influential force behind the injuries of DECEDENT and
21 Plaintiffs.

22 64. By reason of the aforementioned acts and omissions of Defendants
23 DOES 1-10, Plaintiffs were caused to incur funeral and related burial expenses,
24 loss of gifts and benefits and loss of financial support.

25 65. By reason of the aforementioned acts and omissions of Defendants
26 DOES 1-10, Plaintiffs have suffered loss of love, companionship, affection,
27 comfort, care, society, and future support.
28

1 66. Accordingly, Defendants CITY OF LONG BEACH and DOES 1-10,
2 each are liable to Plaintiffs for general and compensatory damages under 42 U.S.C.
3 § 1983 in an amount determined by proof.

4 67. Plaintiffs also seek attorney fees under this claim.

5 **FIFTH CAUSE OF ACTION**

6 **Battery - Cal. Govt. Code § 820 – Wrongful Death**

7 **(Plaintiffs B.P.D., J.T.V.N., JOCELYN CHANTA LY, JOANNA MARIAH**
8 **LY and THE ESTATE OF SINUON SAMANTHA PREAM against DOES 1-**
9 **10, Inclusive)**

10 68. Plaintiffs repeat and reallege each and every allegation in paragraphs
11 1 through 67 of this Complaint with the same force and effect as if fully set forth
12 herein.

13 69. Defendants DOES 1-10, while working as a Police Officer for the
14 CITY Police Department, and acting within the course and scope of their duties,
15 intentionally shot DECEDENT to death. As a result of the actions by the
16 defendants, DECEDENT ultimately died from her injuries. Defendants had no
17 legal justification for using deadly force against DECEDENT, and said defendants'
18 force was unreasonable.
19

20 70. As a direct and proximate result of defendants' conduct as alleged
21 above, Plaintiffs also have been deprived of their life-long love, companionship,
22 comfort, support, society, care and sustenance of DECEDENT, and will continue
23 to be so deprived for the remainder of their natural lives. Plaintiffs also are
24 claiming funeral and burial expenses, loss of gifts and benefits and loss of financial
25 support.

26 71. CITY are vicariously liable for the wrongful acts of Defendants
27 DOES 1-10 pursuant to section 815.2(a) of the California Government Code,
28 which provides that a public entity is liable for injuries caused by its employees

1 within the scope of the employment if the employee's act would subject him or her
2 to liability.

3 72. The conduct of Defendants DOES 1-10 was malicious, wanton,
4 oppressive, and accomplished with a conscious disregard for the rights of
5 DECEDENT, entitling Plaintiffs to an award of exemplary and punitive damages.

6 73. Plaintiffs are seeking wrongful death damages under this claim in the
7 amount of to be proven.

8 **SIXTH CAUSE OF ACTION**

9 **Negligence – Cal. Govt. Code § 820 – Wrongful Death**

10 **(Plaintiffs B.P.D., J.T.V.N., JOCELYN CHANTA LY, JOANNA MARIAH**
11 **LY and THE ESTATE OF SINUON SAMANTHA PREAM against DOES 1-**
12 **10, Inclusive)**

13 74. Plaintiffs repeat and reallege each and every allegation in paragraphs
14 1 through 73 of this Complaint with the same force and effect as if fully set forth
15 herein.

16 75. The actions and inactions of the Defendants DOES 1-10 were
17 negligent and reckless, including but not limited to:

- 18 a. The failure to properly assess the need to detain, arrest, and use
19 force or deadly force against DECEDENT;
- 20 b. The negligent tactics and handling of the situation with
21 DECEDENT;
- 22 c. The negligent use of force, including deadly force, against
23 DECEDENT;
- 24 d. The failure to provide prompt medical care to DECEDENT;
- 25 e. The failure to properly train and supervise employees, both
26 professional and non-professional, including Defendants DOES
27 1-10;
- 28

1 f. The failure to ensure that adequate numbers of employees with
2 appropriate education and training were available to meet the
3 needs of and protect the rights of DECEDENT; and

4 g. The negligent handling of evidence and witnesses.

5 76. As a direct and proximate result of defendants' conduct as alleged
6 above, and other undiscovered negligent conduct, DECEDENT ultimately died.
7 Also as a direct and proximate result of defendants' conduct alleged above,
8 Plaintiffs also have been deprived of the life-long love, companionship, comfort,
9 support, society, care and sustenance of DECEDENT, and will continue to be so
10 deprived for the remainder of their natural lives. Plaintiffs are also claiming
11 funeral and burial expenses, loss of gifts and benefits and loss of financial support.

12 77. CITY is vicariously liable for the wrongful acts of Defendants DOES
13 1-10 pursuant to section 815.2(a) of the California Government Code, which
14 provides that a public entity is liable for injuries causes by its employees within the
15 scope of the employment if the employee's act would subject him or her to
16 liability.

17 78. Plaintiffs are seeking wrongful death damages under this claim in the
18 amount to be proven.

19 **WHEREFORE**, Plaintiffs requests relief as hereinafter provided.

20 **PRAYER FOR RELIEF**

21 1. For compensatory damages, including both survival damages and
22 wrongful death damages under federal and state law, in an amount to be proven at
23 trial;

24 2. For funeral expenses and loss of financial support;

25 3. For punitive damages against the individual defendants in an amount
26 to be proven at trial;

27 4. For interest;

1 5. For an award of general and special damages in the amount to be
2 proven at trial;

3 6. For reasonable costs of this suit incurred herein;

4 7. For reasonable attorney's fees and costs as provided by law;

5 8. For such further other relief as the Court may deem just, proper and
6 appropriate.

7
8 Dated: June 7, 2017

IVIE, McNEILL & WYATT

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10 By: /s/ *Rodney S. Diggs*
11 **RODNEY S. DIGGS**
12 Attorneys for Plaintiffs
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury.

Dated: June 7, 2017

IVIE, McNEILL & WYATT

By: /s/ Rodney S. Diggs

RODNEY S. DIGGS

Attorneys for Plaintiffs

DECLARATIONS

DECLARATION OF JOCELYN CHANTA LY

1. The decedent's name who is the subject of this action for wrongful death is SINUON SAMANTHA PREAM.

2. On or about January 15, 2017, at or around 11:15 a.m., DECEDENT was shot dead by DOES 1-10 near Seventh Street and Bellflower Blvd in the City of Long Beach, California.

3. No proceeding is now pending in California for administration of the DECEDENT's estate.

4. I am the natural daughter of the DECEDENT and I am the DECEDENT's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) and succeeds to the DECEDENT's interest in the action or proceeding.

5. B.P.D., J.T.V.N. and JOANNA MARIAH LY are bringing this claim with me and are the only other persons having the right to commence the action or proceeding.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Dated: June 7, 2017

/s/ Jocelyn Chanta Ly
Jocelyn Chanta Ly, Declarant

DECLARATION OF JOANNA MARIAH LY

6. The decedent's name who is the subject of this action for wrongful death is SINUON SAMANTHA PREAM.

7. On or about January 15, 2017, at or around 11:15 a.m., DECEDENT was shot dead by DOES 1-10 near Seventh Street and Bellflower Blvd in the City of Long Beach, California.

8. No proceeding is now pending in California for administration of the DECEDENT's estate.

9. I am the natural daughter of the DECEDENT and I am the DECEDENT's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) and succeeds to the DECEDENT's interest in the action or proceeding.

10. B.P.D., J.T.V.N. and JOCELYN CHANTA LY are bringing this claim with me and are the only other persons having the right to commence the action or proceeding.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Dated: June 7, 2017

/s/ Joanna Mariah Ly
Joanna Mariah Ly, Declarant

DECLARATION OF YOEN VEN, GUADIAN AD LITEM FOR B.P.D.

11. The decedent's name who is the subject of this action for wrongful death is SINUON SAMANTHA PREAM.

12. On or about January 15, 2017, at or around 11:15 a.m., DECEDENT was shot dead by DOES 1-10 near Seventh Street and Bellflower Blvd in the City of Long Beach, California.

13. No proceeding is now pending in California for administration of the DECEDENT's estate.

14. I am the grandmother of the minor who is the natural son of the DECEDENT and is the DECEDENT's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) and succeeds to the DECEDENT's interest in the action or proceeding.

15. J.T.V.N., JOANNA MARIAH LY and JOCELYN CHANTA LY are bringing this claim with me and are the only other persons having the right to commence the action or proceeding.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Dated: June 7, 2017

/s/ Yoeun Ven

Yoeun Ven, Declarant

DECLARATION OF YOEN VEN, GUADIAN AD LITEM FOR J.T.V.N.

16. The decedent's name who is the subject of this action for wrongful death is SINUON SAMANTHA PREAM.

17. On or about January 15, 2017, at or around 11:15 a.m., DECEDENT was shot dead by DOES 1-10 near Seventh Street and Bellflower Blvd in the City of Long Beach, California.

18. No proceeding is now pending in California for administration of the DECEDENT's estate.

19. I am the grandmother of the minor who is the natural son of the DECEDENT and is the DECEDENT's successor in interest (as defined in Section 377.11 of the California Code of Civil Procedure) and succeeds to the DECEDENT's interest in the action or proceeding.

20. B.P.D., JOANNA MARIAH LY and JOCELYN CHANTA LY are bringing this claim with me and are the only other persons having the right to commence the action or proceeding.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Dated: June 7, 2017

/s/ Yoeun Ven

Yoeun Ven, Declarant